

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

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In re : Chapter 11  
LEHMAN BROTHERS HOLDINGS, INC., : Case No. 08-13555 (JMP)  
*et al.*, : (Jointly Administered)  
Debtors. :  
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**APPLICATION FOR ORDER APPROVING APPOINTMENT OF EXAMINER**

**TO: THE HONORABLE JAMES M. PECK,  
UNITED STATES BANKRUPTCY JUDGE:**

Pursuant to Federal Rule of Bankruptcy Procedure 2007.1, Diana G. Adams, the United States Trustee, hereby respectfully applies to this Court for an Order approving the appointment of an Examiner and in support thereof, states the following:

1. Pursuant to the Order Directing Appointment of an Examiner Pursuant to Section 1104(c)(2) of the Bankruptcy Code (the "Appointment Order," Docket No. 2569, entered January 16, 2009), the United States Trustee has been directed to appoint an Examiner in the above-captioned chapter 11 cases.

2. Pursuant to 11 U.S.C. § 1104(d), in the course of making her appointment, the United States Trustee has consulted with counsels for the following parties in interest in these cases:

**Parties in Interest**

- Lehman Brothers Holdings, Inc., and related debtors in possession (collectively, “Lehman”)
- The Official Committee of Unsecured Creditors of Lehman
- The New York State Comptroller, Thomas P. DiNapoli
- The Walt Disney Company
- Bank of America, N.A. and Affiliates
- The Harbinger Funds
- Newport Global Opportunities Fund
- Federal Home Loan Bank of Pittsburgh
- Federal Home Loan Bank of Seattle
- Airlie Opportunity Master Fund
- Fir Tree Value Master Fund

3. Pursuant to the Appointment Order, and after consultation with the foregoing parties-in-interest, the United States Trustee has selected Anton R. Valukas as the Examiner in the chapter 11 cases referenced above. *See* Notice of Appointment of Examiner, Docket No. 2570.

4. To the best of the United States Trustee's knowledge, Mr. Valukas' connections with Lehman, its creditors, any other parties-in-interest, their respective attorneys and accountants, the United States Trustee, and persons employed in the Office of the United States Trustee are limited to those connections set forth in the affidavit filed herewith.

**WHEREFORE**, the United States Trustee respectfully requests that the Court enter an Order Approving the Appointment of Anton R. Valukas, as Examiner, pursuant to 11 U.S.C. § 1104(d), and for such other and further relief as may seem just and proper in the above-described matter.

Dated: New York, New York  
January 20, 2009

DIANA G. ADAMS  
UNITED STATES TRUSTEE

**By:** /s/ *Andrew D. Velez-Rivera*  
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